

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON SMITH,

Plaintiff,

v.

UNKNOWN,

Defendant.

Case No. 2:21-cv-01917-JDP (PC)

ORDER TO SHOW CAUSE WHY THIS  
CASE SHOULD NOT BE DISMISSED FOR  
FAILURE TO PAY THE FILING FEE,  
FAILURE TO PROSECUTE, AND FAILURE  
TO COMPLY WITH COURT ORDERS

RESPONSE DUE WITHIN TWENTY-ONE  
DAYS

On October 19, 2021, I ordered plaintiff to submit, within thirty days, either the \$402 filing fee or an application for leave to proceed *in forma pauperis*. ECF No. 3. To date, plaintiff has neither paid the required filing fee nor submitted an application to proceed *in forma pauperis*.

To manage its docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. The court may dismiss a case for plaintiff's failure to prosecute or failure to comply with its orders or local rules. *See Fed. R. Civ. P. 41(b); Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); *Fed. R. Civ. P. 1*.

1 Plaintiff will be given a chance to explain why the court should not dismiss the case for  
2 his failure to either pay the filing fee or submit an application for leave to proceed *in forma*  
3 *pauperis*. Plaintiff's failure to respond to this order will constitute another failure to comply with  
4 a court order and will result in a recommendation that this action be dismissed. Accordingly,  
5 plaintiff is ordered to show cause within twenty-one days why this case should not be dismissed  
6 for failure to prosecute and failure to comply with court orders. Should plaintiff wish to continue  
7 with this action, he shall, within twenty-one days, either pay the \$402 filing fee or submit a  
8 complete application for leave to proceed *in forma pauperis*. The Clerk of Court is directed to  
9 send to plaintiff the court's form application for leave to proceed *in forma pauperis*.

10 IT IS SO ORDERED.

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12 Dated: December 28, 2021

  
13 JEREMY D. PETERSON  
14 UNITED STATES MAGISTRATE JUDGE

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